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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	No. 06-CV-0184J
)	and
)	
WYOMING AND COLORADO)	Consolidated Case No. 06-CV-171J
RAILROAD COMPANY, INC., et al.)	
)	
Defendants.)	

**UNITED STATES' MOTION FOR SUMMARY JUDGMENT ON THE SECOND
COUNTERCLAIM OF DEFENDANTS/COUNTERCLAIMANTS MARVIN M. BRANDT
REVOCABLE TRUST AND MARVIN M. BRANDT, TRUSTEE**

Pursuant to Fed. R. Civ. P. 56, the United States, by and through the Acting United States Attorney for the District of Wyoming and Assistant United States Attorneys Carol A. Statkus and Nicholas Vassallo, moves for summary judgment in the United States' favor on the

Second Counterclaim for Quiet Title of Defendants/Counterclaimants Marvin M. Brandt Revocable Trust and Marvin M. Brandt, Trustee¹ for the reason that there is no genuine issue of material fact and the United States is entitled to judgment as a matter of law. A brief, as well as the declarations of Clinton D. Kyhl, P. Michael Winters, and Curtiss J. Orde, are filed with this motion in support of it.

Dated this 10th day of October, 2007.

JOHN R. GREEN
Acting United States Attorney

By:

CAROL A. STATKUS
NICHOLAS VASSALLO
Assistant United States Attorneys
Attorneys for the Plaintiff

¹The United States has agreed to the substitution of the Marvin M. Brandt Revocable Trust and Marvin M. Brandt, Trustee as the real parties in interest in place of Marvin M. Brandt in his individual capacity.

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2007, I served the foregoing UNITED STATES' MOTION FOR SUMMARY JUDGMENT ON THE SECOND COUNTERCLAIM OF DEFENDANTS/COUNTERCLAIMANTS MARVIN M. BRANDT REVOCABLE TRUST AND MARVIN M. BRANDT, TRUSTEE upon the following by the methods indicated below:

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